

REMARKS

Applicant respectfully requests reconsideration of this application.

As a preliminary matter, in the Final Office Action mailed December 28, 2006, the Examiner did not indicate that the Foreign Patent Document on the PTO-1449 form mailed October 30, 2001 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 1, 2, 7-10, 15-18, 23-26, 29, 32-35, 39 and 40 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPub 2001/0052087 of Garg et al. (“Garb) and U.S. Patent 6,694,364 of Du et al. (“Du”).

Claims 30, 31 and 36-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Garg and Du, further in view of U.S. Patent No. 5,619,656 of Graf (“Graf”).

Status of Claims

Claims 1, 2, 7-10, 15-18, 23-26 and 29-40 are pending in the application. Claims 1, 19 and 17 and 25 have been amended to more properly define a preexisting claim limitation. The amended claims are supported by the specification. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claims 1, 2, 7-10, 15-18, 23-26, 29, 32-35, 39 and 40 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPub 2001/0052087 of Garg et al.

(“Garb) and U.S. Patent 6,694,364 of Du et al. (“Du”). The Office Action also states, in part:

As per claims 1, 9, 17, and 25, Garg teaches a method, comprising:
enabling a standard notification rule to generate a first notification
upon an occurrence of a predetermined event to a first person in a
hierarchy; and (Garg, paragraph s0067, generating the notification in
described in paragraph s0076-0079)

**enabling an advanced notification rule to preempt the
standard notification rule upon the occurrence (Garg, paragraph
0068).**

(Office Action, 12/28/06, pp. 3-4)

Applicant respectfully disagrees with the Office Action’s assertion. It is submitted that Garg does not teach preemption of its rules that generate its alarms, as can be seen by an inspection of the exemplary rules immediately preceding paragraph 0068 cited by the Examiner. The exemplary rules provided by Garg are as follows:

If (NetworkUtilization)>(PeakHistoricalUtilization) then Alarm1

If (NetworkUtilization)>(PeakHistoricalUtilization*1.25) then Alarm2

If (ApplicationResponseTime)>(Threshold1) then Alarm8

(Garg, paragraph 0067)

As can be seen from an inspection of the above rules, the second rule does not preempt the first rule. In other words, occurrence of the (PeakHistoricalUtilization*1.25) condition of the second rule to generate Alarm 2 will not preempt the generation of Alarm1. In this case, if NetworkUtilization is greater than PeakHistoricalUtilization *1.25, then it will also be greater than PeakHistoricalUtilization and, thus, Alarm2 is generated **in addition to the generation of Alarm1**. When this occurs, Alarm1 is “ignored” or treated as a minor event because Alarm2 is a more serious event. Contrary to the presently claimed invention, Alarm1 is generated and **there is no preemption of the rule that triggered Alarm1**.

Nevertheless, the independent claims have been previously amended to more precisely define “preemption” by recitation that preemption of the standard notification rule means that the first notification is suspended from being generated. In response, the Examiner has asserted that Du teaches suspending of a notification and, when taken in combination with Garg, such combination of references teaches preemption. In the Office Action of 9/28/06, the Office Action asserted that Du teaches “a network notification suppression system that effectively suspends notifications.” (Du, col. 7, line 48 to column 8, line 23). Applicant responded that the “suppression” taught in Du does not “effectively suspend notifications.” Rather, Du teaches the “suppression” of an alarm which is similar to the teachings of Garg of ignoring an alarm. **Accordingly, the combination of Du and Garg fails to teach preemption of a standard notification rule.**

In response to Applicant’s argument, the recent Office Action states:

As to point (A), Du teaches “a method of alarm suppression in the context of a telecommunication network” (Du, col. 7, lines 50-52). Du teaches a method, as per the rejected claim language, of suppressing a notification by **suspended** generation of the notification in certain circumstances (see Du, col. 8, lines 23-36, and the context situations of col. 8, lines 38-44 and Table 1; see e.g., Table 2A source code implementation of alarm processing during generation).

(Office Action, 12/29/06, pp. 2-3).

It is respectfully submitted that this passage of Du no more teaches “suspending” a notification from being generated upon an occurrence of a predetermined event, than the other passages of Du referred to in the previous Office Action of 12/28/2006. As previously noted, Du clearly defines “suppress” to mean that an alarm is generated but ignored. (Du, column 9, lines 14-21). Accordingly, the alarms that are discussed in the context of a telecommunications network in col. 7, lines 50-52 and TABLE 1 are still generated and, then, ignored.

Moreover, it appears that the Examiner is still inappropriately interpreting “suppressing” to mean the same thing as “suspending,” contrary to both the plain meaning of “suppressing” as defined by a dictionary and the express definition of “suppressing” providing in the teachings of the Du patent (Du, column 9, lines 14-21). Webster’s dictionary defines “suppress” as “to keep from public knowledge.” Such a definition does not mean that what is being kept from public knowledge is not generated. This definition and interpretation is consistent with the definition of “suppress” provided in Du that an alarm is generated but ignored (i.e., the alarm is kept from public knowledge in that it is not forwarded to an intended destination).

Accordingly, for the sake of argument, even if one were to somehow combine the teachings of Du with that of Garg, such a combination would still fail to teach or suggest enabling an advanced notification rule to “preempt” a standard notification. In particular, since the teachings of Du in regards to alarm *suppression* are merely cumulative to the teachings of Garg on alarm *suppression*, Du does not cure the deficiencies of Garg as acknowledged by the Examiner vis-à-vis “Garg fails to teach suspending the notification from being generated.” (Office Action, 12/28/06, bottom of page 3 to top of page 4).

Nevertheless, applicants are again amending the independent claims to further clarify that preemption means that the “first notification is not generated.” This in contrast to the teachings of the references as discussed above. Therefore, for at least the reasons given above, it is submitted that each of independent claims 1, 9, 17 and 25 (and their respective dependent claims) are patentable over a combination of the cited references.

Claims 30, 31 and 36-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Garg and Du, further in view of U.S. Patent No. 5,619,656 of Graf (“Graf”). It is submitted that Graf fails to cure the deficiencies of Du and Garg noted

above with respect to claims 30, 31, and 36-38. Therefore, claims 30, 31, and 36-38 are patentable over the combination of cited references.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

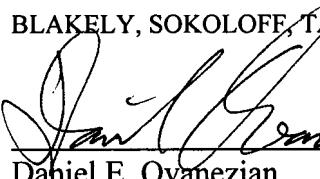
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/27, 2007



Daniel E. Ovanezian
Registration No. 41,236

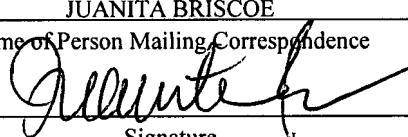
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

on 4/27/07
Date of Deposit

JUANITA BRISCOE
Name of Person Mailing Correspondence



Signature

4/27/07
Date